

---

ARNOLD & PORTER LLP

---

Kent A. Yalowitz

Kent.Yalowitz@aporter.com  
+1 212.715.1113  
+1 212.715.1399 Fax  
399 Park Avenue  
New York, NY 10022-4690

February 3, 2015

**VIA ECF AND HAND DELIVERY**

Hon. George B. Daniels  
United States District Judge  
United States District Court  
for the Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: *Sokolow, et al. v. Palestinian Liberation Organization, et al.*  
Docket No. 04-CV-397 (GBD)(RLE)

Dear Judge Daniels:

I write to ask the Court to preclude the testimony of Michael Sfard and Raja Shehadeh, both identified yesterday as witnesses in the defense case.

Israeli attorney Michael Sfard's expert report presents generalized criticisms of the Israeli military justice system including allegations that (1) interrogations of suspected terrorists are conducted improperly and are unreliable, and (2) the IMCs do not provide sufficient due process for defendants accused of terrorism.

Mr. Sfard's report fails to tie his generalized allegations to any of the convictions of the perpetrators in this case. For example, Mr. Sfard attacks the IMCs because most criminal cases are resolved through plea bargaining. Sfard Report at 21-22. Yet he points to no evidence suggesting that any of the plea bargains in these cases were improper. He contends that Palestinian defense lawyers sometimes have trouble entering Israel to visit their clients, but he presents no evidence that occurred in these cases or that the defendants lacked, or claimed to lack, adequate access to counsel. *Id.* at 24-25.

The Court has already ruled that this type of systemic indictment of Israeli justice system would not be allowed. Dec. 16, 2014 Tr. at 166-74. Mr. Rochon himself acknowledged that he "lost" on this issue and that "Mr. Sfard is not likely to testify at this trial." Jan. 6, 2015 Tr. at 122. Any topic covered by Mr. Sfard's expert report is precluded by this ruling and Mr. Sfard should not be allowed to present any testimony outside of what was included in his report.

Rajah Shehadeh is even further afield. He offers nothing but legal conclusions on political topics. The Court has repeatedly ruled that attempts to politicize this trial would

---

ARNOLD & PORTER LLP

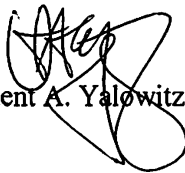
---

Hon. George B. Daniels  
February 3, 2015  
Page 2

not be tolerated. July 22, 2014 Tr. at 110-11; Dec. 16, 2014 Tr. at 183. Mr. Shehadeh's report addresses several topics that should be excluded pursuant to this Court's existing ruling including the legality of the settlements (Ex. B at 4, 13-20, 27-32), the legal status of Jerusalem, the West Bank and the Gaza Strip (*id.* at 5-7), and opinions on the international law of "occupation" (*id.* at 7-13).

Both of these witnesses are offered as experts on subjects that the Court has already deemed inadmissible in this case and they should not be allowed at this point to offer any testimony beyond what was addressed in their expert reports.

Respectfully,

  
Kent A. Yalowitz

Enclosures (by hand)

cc: All ECF Counsel